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KEVIN STOCK
COUNTY CLERK
NO: 17-2-12622-1

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

ERIC KLOPMAN-BAERSELMAN, as
Personal Representative for the Estate of
RUDIE KLOPMAN-BAERSELMAN,
deceased,

Plaintiff,

v.

**AIR & LIQUID SYSTEMS
CORPORATION**, a Pennsylvania
corporation, individually and as successor-in-
interest to **BUFFALO PUMPS**;
BORG WARNER MORSE TEC, LLC, a
Delaware corporation, as successor-by-
merger to **BORG WARNER
CORPORATION**;
CBS CORPORATION, a Delaware
corporation, f/k/a **VIACOM, INC.**, successor
by merger to **CBS CORPORATION**, a
Pennsylvania corporation, f/k/a
**WESTINGHOUSE ELECTRIC
CORPORATION**;
COST LESS AUTO PARTS, INC., a
Washington corporation;
CRANE CO., a Delaware corporation;
CROSBY VALVE, INC., a Massachusetts
corporation;
DAP PRODUCTS, INC., a Maryland
corporation;
E.J. BARTELLS SETTLEMENT TRUST, is
the successor in interest to **THE E.J.
BARTELLS COMPANY**;

NO. 17-2-12622-1

AMENDED COMPLAINT

JURY TRIAL DEMAND

1 **FEDERAL-MOGUL ASBESTOS**
2 **PERSONAL INJURY TRUST**, sued as
3 successor to **FELT-PRODUCTS**
4 **MANUFACTURING CO.**;
5 **FLOWERVE US INC.**, a Delaware
6 corporation;
7 **FOSTER WHEELER ENERGY**
8 **CORPORATION**, a Delaware corporation;
9 **FRYER-KNOWLES INC., A**
10 **WASHINGTON CORPORATION**, a
11 Washington corporation;
12 **GENUINE PARTS COMPANY**, a Georgia
13 corporation, d/b/a **RAYLOC**, a/k/a **NAPA**;
14 **HENRY COMPANY, LLC**, a California
15 corporation;
16 **HONEYWELL INTERNATIONAL, INC.**, a
17 Delaware corporation, f/k/a **ALLIED-**
18 **PRODUCTS LIABILITY SIGNAL, INC.**,
19 sued as successor-in-interest to **BENDIX**
20 **CORPORATION**;
21 **INGERSOLL-RAND COMPANY**, a New
22 Jersey corporation;
23 **MAERSK LINE, LTD.**, a Delaware
corporation, successor-interest to **ROYAL**
ROTTERDAM LLOYD;
NATIONAL AUTOMOTIVE PARTS
ASSOCIATION a/k/a **NAPA**, a Georgia
corporation;
O'REILLY AUTOMOTIVE STORES, INC.,
a Ohio corporation;
PARKER-HANNIFIN CORPORATION, an
Ohio corporation;
PHILLIPS AUTO PARTS, INC., a North
Carolina corporation, f/k/a **CAR QUEST**
AUTO PARTS, INC.;
PNEUMO ABEX, LLC, a Delaware
corporation, successor to **ABEX**
CORPORATION;
SABERHAGEN HOLDINGS, INC., a
Washington corporation;
SAINT-GOBAIN ABRASIVES, INC., a
Massachusetts corporation, successor-in-
interest to **NORTON COMPANY**;
STANDARD MOTOR PRODUCTS, INC., a
New York corporation, successor-in-interest
to **EIS AUTOMOTIVE**;

TOYOTA MOTOR SALES, U.S.A., INC., a
California corporation;
VIAD CORPORATION, a Delaware
corporation, f/k/a The Dial Corporation;
VIKING PUMP, INC., a Delaware
corporation;
WEIR VALVES & CONTROLS USA, INC.,
a Massachusetts corporation, individually
and as successor in interest to ATWOOD &
MORRILL CO., INC.; and
THE WILLIAM POWELL COMPANY, an
Ohio corporation,
THE W.W. HENRY COMPANY, L.P., a
Pennsylvania corporation, successor in
interest to The W.W. HENRY COMPANY.

Defendants.

COMES NOW the Plaintiff and present the following claims for relief:

I. PARTIES

Plaintiff ERIC KLOPMAN-BAERSELMAN is the duly appointed, qualified, and acting personal representative for the Estate of RUDIE KLOPMAN-BAERSELMAN, deceased, and sues the above-named Defendants for compensatory damages, by and through the undersigned counsel, and hereby bring this Civil Action Complaint.

On January 8, 2018, the Superior Court of the State of Washington in and for the County of Clark issued Letters of Testamentary appointing ERIC KLOPMAN-BAERSELMAN as the personal representative of the Estate of Rudie Klopman-Baerselman. (Attached as Exhibit A).

Plaintiff brings this action as specified in RCW 4.20.010-4.20.020 on behalf of the Estate of RUDIE KLOPMAN-BAERSELMAN and of the surviving heirs of RUDIE KLOPMAN-BAERSELMAN, deceased. The heirs at law of RUDIE KLOPMAN-BAERSELMAN (“Decedent”) and their relationships to the Decedent are:

NAME	RESIDENCE	RELATIONSHIP TO DECEDENT
Muriel Klopman-Baerselman	Washougal, Washington	Wife
Thomas Shane	Phoneix, Arizona	Son
Eric Klopman-Baerselman	Washougal, Washington	Son
Steven Garret	Washougal, Washington	Son

The above-named individuals constitute the surviving heirs of RUDIE KLOPMAN-BAERSELMAN under RCW 4.20.010-4.20.020.

Decedent RUDIE KLOPMAN-BAERSELMAN was diagnosed with mesothelioma on approximately July 11, 2017. He died of mesothelioma on November 25, 2017. Defendants and/or their predecessors-in-interest are corporations who, at all times relevant herein, manufactured, sold or distributed asbestos-containing products or products that were used in conjunction with asbestos.

II. JURISDICTION AND VENUE

Decedent RUDIE KLOPMAN-BAERSELMAN was exposed to asbestos from Defendants' products in the state of Washington. At all times relevant herein, all Defendants transacted business in this state by mining, manufacturing, selling, producing, distributing, or otherwise purposefully placing into the stream of commerce asbestos-containing products or products used in conjunction with asbestos, products they purposefully directed into the state of Washington, and into Pierce County and the counties of RUDIE KLOPMAN-BAERSELMAN'S exposure. Therefore, Defendants may be served with process in Washington, pursuant to 4.28.180 and 4.28.185.

This Court has jurisdiction over each and every named Defendant pursuant to RCW 4.12 *et seq.* and Washington case law: By selling, supplying, distributing, and/or causing to be used asbestos or asbestos-containing products to which Decedent was exposed in Washington,

Defendants purposefully availed themselves of the privilege of doing business in Washington, thus invoking the benefits and protections of Washington's laws. Venue is appropriate pursuant to RCW 4.12.025 because Defendants "reside" in Pierce County, Washington, by currently transacting business in Pierce County and/or transacted business at the time the cause of action arose in Pierce County. Defendants **COST LESS AUTO PARTS, INC., E.J. BARTELLS SETTLEMENT TRUST, FRYER-KNOWLES INC., A WASHINGTON CORPORATION, and SABERHAGEN HOLDINGS, INC.** are Washington corporations licensed to do business in this state, maintaining their principal place of business in Washington.

III. FACTS

Decedent RUDIE KLOPMAN-BAERSELMAN was exposed to asbestos and asbestos-containing products which had been mined, manufactured, produced, and/or placed into the stream of commerce by the defendants and/or was exposed to asbestos through the use of products manufactured Defendants. As a direct and proximate result of this exposure, Decedent RUDIE KLOPMAN-BAERSELMAN developed and died of mesothelioma. Plaintiff provides the following information:

- A. Specific Disease: Mesothelioma
- B. Date of Diagnosis: Approximately July 11, 2017
- C. Date of Death: November 25, 2017
- C. Military Service: n/a
- D. Employer, Location, Position, and Exposure Dates:

Decedent RUDIE KLOPMAN-BAERSELMAN was an employee of Royal Dutch Lloyd, Rotterdam Lloyd and worked as a merchant mariner assigned to several vessels. While performing his duties as a boiler oilman/stoker from approximately 1955 through 1959,

1 Decedent RUDIE KLOPMAN-BAERSELMAN was exposed to asbestos, asbestos-containing
2 materials and products while aboard the vessels.

3 Decedent RUDIE KLOPMAN-BAERSELMAN performed all maintainence work on his
4 vehicles specifically friction work. Decedent RUDIE KLOPMAN-BAERSELMAN performed
5 maintenance to his vehicles, during the approximate years 1966 through 1997. Decedent RUDIE
6 KLOPMAN-BAERSELMAN was exposed to asbestos, asbestos materials and products while
7 performing vehicle maintenance.

8 E. Current Address: 492 Hardin Road, Washougal, WA 98671.

9 **IV. LIABILITY**

10 Plaintiff claims liability based upon the theories of product liability (RCW 7.72 et seq.);
11 negligence; conspiracy; strict product liability under Section 402A and 402B of the Restatement
12 of Torts; premises liability; and any other applicable theory of liability. The liability-creating
13 conduct of Defendants consisted, inter alia, of negligent and unsafe design; failure to inspect,
14 test, warn, instruct, monitor and/or recall; failure to substitute safe products; marketing or
15 installing not reasonably safe or extra-hazardous and/or defective products; marketing or
16 installing products not reasonably safe as designed; marketing or installing products not
17 reasonably safe for lack of adequate warning and marketing or installing products with
18 misrepresentations of product safety. Plaintiff disclaims any cause of action or recovery for any
19 injuries caused by any exposure to asbestos dust that occurred in a federal enclave. Plaintiff also
20 disclaims any cause of action or recovery for any injuries resulting from any exposure to
21 asbestos dust caused by any acts or omissions of a Defendant committed at the direction of an
22 officer of the United States Government.

V. ALLEGATIONS AGAINST MANUFACTURING AND EQUIPMENT

DEFENDANTS

Plaintiff alleges that Decedent RUDIE KLOPMAN-BAERSELMAN was exposed to asbestos-containing components and equipment requiring or calling for the use of asbestos or asbestos-containing products in his occupation. Each Defendant corporation, **AIR & LIQUID SYSTEMS CORPORATION**, individually and as successor-in- interest to **BUFFALO PUMPS**; **BORG WARNER MORSE TEC, LLC**, a Delaware corporation, as successor-by-merger to **BORG WARNER CORPORATION**; **CBS CORPORATION**, f/k/a **VIACOM, INC.**, sued as successor-by-merger to **CBS CORPORATION** f/k/a **WESTINGHOUSE ELECTRIC CORPORATION**; **COST LESS AUTO PARTS, INC.**; **CRANE CO.**; **CROSBY VALVE, INC.**; **DAP PRODUCTS, INC.**, a Maryland corporation; **E.J. BARTELLS SETTLEMENT TRUST** is the successor in interest to **THE E. J. BARTELLS COMPANY**; **FEDERAL-MOGUL ASBESTOS PERSONAL INJURY TRUST**, sued as successor to **FELT-PRODUCTS MANUFACTURING CO.**; **FLOWERVE US INC.**; **FOSTER WHEELER ENERGY CORPORATION**; **GENUINE PARTS COMPANY**, d/b/a **RAYLOC**, a/k/a **NAPA**; **HENRY COMPANY, LLC**, a California corporation; **HONEYWELL INTERNATIONAL, INC.**, f/k/a **ALLIED-PRODUCTS LIABILITY SIGNAL, INC.**, sued as successor-in-interest to **BENDIX CORPORATION**; **INGERSOLL RAND COMPANY**; **MAERSK LINE, LTD.**, successor-in-interest to **ROYAL ROTTERDAM LLOYD**; **NATIONAL AUTOMOTIVE PARTS ASSOCIATION** a/k/a **NAPA**, a Georgia corporation; **O'REILLY AUTOMOTIVE STORES, INC.**; **PARKER-HANNIFIN CORPORATION**; **PHILLIPS AUTO PARTS, INC.**, f/k/a **CAR QUEST AUTO PARTS, INC.**; **PNEUMO ABEX, LLC**, successor to **ABEX CORPORATION**; **SABERHAGEN HOLDINGS, INC.**; **SAINT-GOBAIN ABRASIVES,**

1 INC., successor-in-interest to NORTON COMPANY; STANDARD MOTOR PRODUCTS,
2 INC., successor-in-interest to EIS AUTOMOTIVE; TOYOTA MOTOR SALES, U.S.A.,
3 INC.; VIAD CORPORATION f/k/a THE DIAL CORPORATION; VIKING PUMP, INC.;
4 WEIR VALVES & CONTROLS USA, INC., individually and as successor in interest to
5 ATWOOD & MORRILL CO., INC.; THE WILLIAM POWELL COMPANY; THE W.W.
6 HENRY COMPANY, L.P., a Pennsylvania corporation, successor in interest to The W.W.
7 HENRY COMPANY, or their predecessors-in-interest is, or at times material hereto, has been
8 engaged in the mining, processing, manufacturing, sale, and distribution of asbestos or asbestos-
9 containing components and equipment requiring or calling for the use of asbestos and asbestos-
10 containing products. Plaintiff would show that while working in the state of Washington,
11 Decedent RUDIE KLOPMAN-BAERSELMAN was exposed, on numerous occasions, to
12 asbestos-containing components and equipment requiring or calling for the use of asbestos or
13 asbestos-containing products produced and sold by Defendants and, in so doing, inhaled great
14 quantities of asbestos fibers. Further, Plaintiff alleges, as more specifically set out below, that
15 Decedent RUDIE KLOPMAN-BAERSELMAN has suffered injuries proximately caused by his
16 exposure to asbestos-containing products designed, manufactured and sold by Defendants.
17 Because RUDIE KLOPMAN-BAERSELMAN'S exposure to all such products, components,
18 and/or equipment requiring or calling for the use of asbestos or asbestos-containing products
19 caused or contributed to his injuries, the doctrine of joint and several liability should be extended
20 to apply to each Defendant herein.

21 Decedent RUDIE KLOPMAN-BAERSELMAN was exposed to asbestos-containing
22 components and equipment requiring or calling for the use of asbestos or asbestos-containing
23 products that were manufactured, designed, and distributed by the Defendants and their

1 predecessors-in-interest for use as construction materials or machinery in industrial operations.
2 Plaintiff would show that the defective design and condition of the products rendered such
3 products not reasonably safe, and that the asbestos-containing components and equipment were
4 in this defective condition at the time they were designed by or left the hands of defendants.
5 Plaintiff would show that Defendants' asbestos-containing components and equipment requiring
6 or calling for the use of asbestos-containing products were defective in the manner in which they
7 were marketed for their failure to contain or include warnings regarding potential asbestos health
8 hazards associated with the use of or the exposure to the products. Plaintiff would show that this
9 marketing defect rendered such components and equipment requiring or calling for the use of
10 asbestos-containing products not reasonably safe at the time they were designed or left the hands
11 of the Defendants. Plaintiff would show that Defendants are liable in product liability including,
12 but not limited to, strict product liability for the above-described defects.

13 The Defendants are or were engaged in the business of selling, manufacturing, producing,
14 designing, and otherwise putting into the stream of commerce asbestos-containing components
15 and equipment requiring or calling for asbestos or asbestos-containing products, and these
16 asbestos-containing products and equipment, without substantial change in the condition in
17 which they were sold, manufactured, produced, designed, and otherwise put into the stream of
18 commerce, were a proximate and producing cause of the injuries of Decedent.

19 Defendants knew that these asbestos-containing components and equipment would be
20 used without inspection for defects and, by placing them on the market, represented that they
21 would safely do the job for which they were intended, which must necessarily include safe
22 manipulation or installation of the asbestos-containing products or operation, maintenance and
23

1 repair of the equipment requiring or calling for the use of asbestos and asbestos-containing
2 products.

3 Decedent RUDIE KLOPMAN-BAERSELMAN was unaware of the hazards and defects
4 in the asbestos-containing products of the Defendants, which made them unsafe for purposes of
5 manipulation or installation. Similarly, Decedent RUDIE KLOPMAN-BAERSELMAN was
6 unaware of the hazards and defects in the equipment requiring or calling for the use of asbestos
7 and asbestos-containing materials.

8 During the periods that Decedent RUDIE KLOPMAN-BAERSELMAN was exposed to
9 the asbestos-containing components and equipment of the Defendants, these asbestos-containing
10 components and equipment were being utilized in a manner, which was intended by Defendants.

11 The illness and disabilities of Decedent RUDIE KLOPMAN-BAERSELMAN are a
12 direct and proximate result of the negligence of each Defendant and its predecessor-in-interest in
13 that said entities produced, designed, sold, distributed, and otherwise put into the stream of
14 commerce asbestos and asbestos-containing components and equipment requiring or calling for
15 the use of asbestos and asbestos-containing products, which the Defendants knew, or in the
16 exercise of ordinary care, should have known were deleterious and highly harmful to Decedent's
17 health and well-being. Certain Defendants created hazardous and deadly conditions to which
18 Decedent was exposed and which caused him to be exposed to a large amount of asbestos fibers.
19 The Defendants were negligent in one, some, or all of the following respects, among others,
20 same being the proximate cause of Decedent's illness and disabilities:

- 21 (a) in failing to timely and adequately warn Decedent RUDIE KLOPMAN-
22 BAERSELMAN of the dangerous characteristics and serious health hazards
23 associated with exposure to asbestos and asbestos-containing components or

1 equipment requiring or calling for the use of asbestos and asbestos-containing
2 products;

3 (b) in failing to provide Decedent RUDIE KLOPMAN-BAERSELMAN with
4 information as to what would be reasonably safe and sufficient wearing apparel
5 and proper protective equipment and appliances, if in truth there were any, to
6 protect Decedent RUDIE KLOPMAN-BAERSELMAN from being harmed and
7 disabled by exposure to asbestos and asbestos-containing components or
8 equipment requiring or calling for the use of asbestos and asbestos-containing
9 products;

10 (c) in failing to place timely and adequate warnings on the containers of said asbestos
11 and asbestos-containing components or equipment requiring or calling for the use
12 of asbestos and asbestos-containing products, or on the component or equipment
13 itself, to warn of the dangers to health of coming into contact with said asbestos-
14 containing components and equipment;

15 (d) in failing to take reasonable precautions or exercise reasonable care to publish,
16 adopt, and enforce a safety plan and safe method of handling and installing
17 asbestos and asbestos-containing components or utilizing the equipment requiring
18 or calling for the use of asbestos and asbestos-containing products in a safe
19 manner;

20 (e) in failing to develop and utilize a substitute material or design to eliminate
21 asbestos fibers in the asbestos-containing components or the equipment requiring
22 or calling for the use of asbestos and asbestos-containing products;
23

- 1 (f) in failing to properly design and manufacture asbestos and asbestos-containing
 2 components or equipment requiring or calling for the use of asbestos and
 3 asbestos-containing products for safe use under conditions of use that were
 4 reasonably anticipated;
- 5 (g) in failing to properly test said asbestos-containing components and equipment
 6 before they were released for consumer use; and
- 7 (h) in failing to recall or remove from the stream of commerce said asbestos-
 8 containing components or equipment requiring or calling for the use of asbestos
 9 and asbestos-containing products despite knowledge of the unsafe and dangerous
 10 nature of such components and equipment.

11 VI. ALLEGATIONS AGAINST CONTRACTOR DEFENDANTS

12 Defendants, **SABERHAGEN HOLDINGS, INC.** and **FRYER-KNOWLES INC., A**
 13 **WASHINGTON CORPORATION** (Contractor Defendants) created hazardous and deadly
 14 conditions to which Decedent was exposed and which caused Decedent to be exposed to a large
 15 amount of asbestos fibers. The Contractor Defendants were negligent in one, some or all of the
 16 following respects, among others, same being the proximate cause of Decedent's injuries:

- 17 (a) in failing to timely and adequately warn Decedent of the dangerous characteristics
 18 and serious health hazards associated with exposure to asbestos, asbestos-
 19 containing products or equipment requiring or calling for the use of asbestos and
 20 asbestos-containing products;
- 21 (b) in failing to provide Decedent with information as to what would be reasonably
 22 safe and sufficient wearing apparel and proper protective equipment and
 23 appliances, if in truth there were any, to protect Decedent from being harmed and

disabled by exposure to asbestos, asbestos-containing products, or equipment requiring or calling for the use of asbestos or asbestos-containing products;

(c) in failing to place on the containers of said asbestos or asbestos-containing products, on the asbestos-containing products themselves, on the equipment requiring or calling for the use of asbestos or asbestos-containing products, or in such other location likely to reach those persons who would foreseeably be exposed to asbestos from their products, timely and adequate warnings of the dangers to health of coming into contact with said asbestos-containing products and equipment;

(d) in failing to take reasonable precautions or exercise reasonable care to publish, adopt and enforce a safety plan or safe method of handling and installing asbestos and asbestos-containing products, or utilizing the equipment requiring or calling for the use of asbestos or asbestos-containing products in a safe manner;

(e) in failing to develop and utilize a substitute material or design to eliminate asbestos fibers in the asbestos-containing products, and the equipment requiring or calling for the use of asbestos or asbestos-containing products;

(f) in failing to properly design and manufacture asbestos, asbestos-containing products, and equipment requiring or calling for the use of asbestos or asbestos-containing products for safe use under conditions of use that were reasonably anticipated;

(g) in failing to properly test said asbestos-containing products and equipment before they were released for consumer use; and

(h) in failing to recall or remove from the stream of commerce said asbestos-containing products or equipment requiring or calling for the use of asbestos or asbestos-containing products despite knowledge of the unsafe and dangerous nature of such products or equipment.

VII. ALLEGATIONS OF LOSS OF CONSORTIUM

Plaintiff ERIC KLOPMAN-BAERSELMAN brings this cause of action against all Defendants for the wrongful death and loss of consortium in the marital relationship between RUDIE KLOPMAN-BAERSELMAN and his wife MURIEL KLOPMAN-BAERSELMAN. MURIEL KLOPMAN-BAERSELMAN has suffered damages, both past and future, as a result of the acts and omissions of the Defendants described herein. The permanent physical injuries were a direct and proximate cause by the Defendants to RUDIE KLOPMAN-BAERSELMAN, and, those injuries have detrimentally impaired the love, companionship, comfort, affection, solace, moral support, and physical assistance in the operating and maintaining a home that Decedent and MURIEL KLOPMAN-BAERSELMAN once shared in their marital relationship, causing MURIEL KLOPMAN-BAERSELMAN pain and suffering in the past and to which she will in all likelihood continue to suffer in the future.

VIII. DAMAGES

Damages are as follows:

A. Plaintiff's decedent Rudie Klopman-Baerselman suffered the following damages which survive his death: medical expenses; disease, disability and death; pain and suffering, both physical and emotional; and loss of ability to enjoy a normal life.

B. Muriel Klopman-Baerselman has suffered damages for loss of companionship, services, and consortium.

C. The statutory beneficiaries of a wrongful death claim, namely plaintiff and those provided by law, which are Eric Klopman-Baerselman, Steven Garret, and Thomas Shane, suffered damages on account of the death of decedent for the loss of monetary contribution decedent would have made to them; for funeral expenses; and for the loss of love, care, affection, services, companionship, guidance and society of the decedent. Claims for loss of of consortium on behalf of the spouse and children are specifically included within damages claimed.

D. Interest from the date of injury.

E. To the extent they are an available damage, punitive damages.

The aforementioned damages are in an amount to be proved at trial.

IX. PRAYER FOR RELIEF

WHEREFORE Plaintiff prays for judgment against defendants, and each of them, for all available damages, including the items of damages set forth in this complaint, and, if applicable, punitive damages, as well as costs, attorney fees, and disbursements in this action.

A six person jury was demanded and fee was paid on October 27, 2017.

DATED this 6th day of June, 2018.

WEINSTEIN COUTURE PLLC



Brian D. Weinstein, WSBA # 24497
Benjamin R. Couture, WSBA # 39304
Alexandra B. Caggiano, WSBA # 47862
601 Union Street, Suite 2420
Seattle, Washington 98101
Telephone: (206) 508-7070
Facsimile: (206) 237-8650
Counsel for Plaintiff

And

DEAN OMAR & BRANHAM, LLP

s/ Benjamin H. Adams

Benjamin H. Adams, CA Bar No. 272909

Admitted Pro Hac Vice

302 N. Market Street, Suite 300

Dallas, Texas 75202

T: (214) 722-5990

F: (214) 722-5991

Counsel for Plaintiff